

*Sponsorship has changed since the bill was introduced

REFERENCE TITLE: elections; revisions; mail-in; identification; tabulation

State of Arizona
House of Representatives
Fifty-fifth Legislature
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HB 2596

*Introduced by

Representatives Fillmore: Barton, Blackman, Burges, Carter, Chaplik, Cook,
Diaz, Finchem, Hoffman, Martinez, Parker, Pingerelli, Senators Gowan,
Leach

AN ACT

AMENDING TITLE 16, CHAPTER 1.1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 16-194; AMENDING SECTIONS 16-245, 16-246 AND 16-343, ARIZONA REVISED STATUTES; AMENDING TITLE 16, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 16-410.01; AMENDING SECTIONS 16-411, 16-442, 16-442.01, 16-443 AND 16-444, ARIZONA REVISED STATUTES; REPEALING SECTION 16-445, ARIZONA REVISED STATUTES; AMENDING SECTIONS 16-446, 16-448 AND 16-449, ARIZONA REVISED STATUTES; REPEALING SECTIONS 16-450, 16-451 AND 16-452, ARIZONA REVISED STATUTES; AMENDING SECTION 16-461, ARIZONA REVISED STATUTES; REPEALING SECTIONS 16-468 AND 16-504, ARIZONA REVISED STATUTES; AMENDING TITLE 16, CHAPTER 4, ARTICLE 6, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 16-504; AMENDING SECTIONS 16-510, 16-515, 16-541 AND 16-542, ARIZONA REVISED STATUTES; REPEALING SECTION 16-544, ARIZONA REVISED STATUTES; AMENDING SECTIONS 16-547 AND 16-558.02, ARIZONA REVISED STATUTES; AMENDING TITLE 16, CHAPTER 4, ARTICLE 9, ARIZONA REVISED STATUTES, BY ADDING SECTION 16-575; AMENDING SECTIONS 16-602 AND 16-621, ARIZONA REVISED STATUTES; AMENDING TITLE 16, CHAPTER 4, ARTICLE 11, ARIZONA REVISED STATUTES, BY ADDING SECTION 16-641; AMENDING SECTION 16-663, ARIZONA REVISED STATUTES; REPEALING SECTION 16-664, ARIZONA REVISED STATUTES; AMENDING SECTIONS 16-1011, 16-1017 AND 16-1018, ARIZONA REVISED STATUTES; RELATING TO ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 16, chapter 1.1, article 1, Arizona Revised
3 Statutes, is amended by adding section 16-194, to read:

4 16-194. Primary and general elections; requirements

5 A. NOTWITHSTANDING ANY OTHER LAW, ALL PRIMARY AND GENERAL ELECTIONS
6 IN THIS STATE SHALL BE CONDUCTED IN STRICT ADHERENCE TO THE FOLLOWING:

7 1. A VOTER MAY NOT RECEIVE OR VOTE A BALLOT UNLESS THE VOTER HAS
8 PRESENTED VALID STATE-ISSUED IDENTIFICATION.

9 2. EXCEPT FOR ABSENTEE BALLOTS AS PRESCRIBED BY SECTION 16-541:

10 (a) ALL VOTING SHALL OCCUR ON ELECTION DAY ONLY.

11 (b) ALL BALLOTS SHALL BE CAST IN PERSON BY THE VOTER AT THE VOTER'S
12 ELECTION PRECINCT POLLING PLACE.

13 3. ALL BALLOTS SHALL BE COUNTED BY HAND AND CANVASSED AND THE
14 RETURNS MADE WITHIN TWENTY-FOUR HOURS AFTER THE POLLS ARE CLOSED.

15 B. EXCEPT AS REQUIRED BY SUBSECTION A OF THIS SECTION, ALL PRIMARY
16 AND GENERAL ELECTIONS SHALL BE CONDUCTED AS OTHERWISE PROVIDED BY LAW.

17 Sec. 2. Section 16-245, Arizona Revised Statutes, is amended to
18 read:

19 16-245. Form and content of ballot

20 A. Ballots and ballot labels for the presidential preference
21 election shall be printed on different colored paper or white paper with a
22 different colored stripe for each party represented on the presidential
23 preference election ballot. Only one party may be represented on each
24 ballot. At the top shall be printed "official ballot of the
25 _____ party, presidential preference election (date), county of
26 _____, state of Arizona".

27 B. The order of the names of certified candidates on the ballot
28 shall be determined by lots drawn at a public meeting called by the
29 secretary of state for that purpose. Rotation of candidate names is
30 prohibited. The certified candidates shall be listed under the title
31 "_____ party candidates for President of the United
32 States". Immediately below shall be printed "vote for not more than
33 one". The ballot may also contain printed instructions to voters as
34 prescribed for other elections.

35 C. The officer in charge of elections shall provide a sample ballot
36 proof to the state committee chairman of each qualified candidate's state
37 committee ~~no~~ NOT later than five days after ~~receipt of~~ RECEIVING the
38 certification from the secretary of state.

39 D. The officer in charge of elections shall mail one sample ballot
40 of each party represented on the presidential preference election ballot
41 to each household that contains a registered voter of that political party
42 ~~unless that registered voter is on the active early voting list~~
43 ~~established pursuant to section 16-544~~. The return address on the sample
44 ballot mailer shall not contain the name of any elected or appointed

1 official, and the name of an appointed or elected official shall not be
2 used to indicate who produced the sample ballot.

3 E. The mailing face of each sample ballot shall be imprinted with
4 the great seal of the state of Arizona with the words "official voting
5 materials – presidential preference election". The polling place for that
6 household may also be designated on the mailing face of the sample ballot.

7 Sec. 3. Section 16-246, Arizona Revised Statutes, is amended to
8 read:

9 16-246. Absentee balloting; satellite locations; special
10 election boards

11 ~~A. Within ninety-three days before the presidential preference~~
12 ~~election and not later than 5:00 p.m. on the eleventh day preceding the~~
13 ~~election, any elector who is eligible to vote in the presidential~~
14 ~~preference election may make a verbal or signed, written request for an~~
15 ~~official early ballot to the county recorder or other officer in charge of~~
16 ~~elections for the county in which the elector is registered to vote. If~~
17 ~~the request is verbal, the requesting elector shall provide the date of~~
18 ~~birth and birthplace or other information that if compared to the voter~~
19 ~~registration records for that elector would confirm the identity of the~~
20 ~~elector.~~

21 ~~B.~~ A. Absent uniformed services voters or overseas voters who are
22 otherwise eligible to vote in the election may vote as prescribed by
23 sections 16-543 and 16-543.02.

24 ~~C.~~ B. The county recorder or other officer in charge of elections
25 may SHALL establish ELECTION DAY on-site early voting locations at the
26 office of the county recorder or at other locations in the county deemed
27 necessary or appropriate by the recorder. ~~Early voting shall begin within~~
28 ~~the time limits prescribed in section 16-542 unless otherwise prescribed~~
29 ~~by this section.~~

30 ~~D.~~ C. The county recorder or other officer in charge of elections
31 shall send by nonforwardable mail that is marked with the statement
32 required by the postmaster to receive an address correction notification
33 any early ABSENTEE ballots that are requested pursuant to subsections
34 SUBSECTION A and ~~B~~ of this section and shall include a preaddressed
35 envelope for the elector to return the completed ballot.

36 ~~E.~~ D. The county recorder or other officer in charge of elections
37 shall provide to each election board an appropriate alphabetized list of
38 voters who have requested and have been sent an early ABSENTEE
39 ballot. Any person who is on that list of voters and who was sent an
40 early ABSENTEE ballot shall not vote at the polling place for that
41 election precinct except as prescribed by section 16-579, subsection B.

42 ~~F.~~ E. The county recorder or other officer in charge of elections
43 may provide for ~~any of the following~~ SPECIAL ELECTION BOARDS in the same
44 manner prescribed by law for other elections. ~~☞~~

45 ~~1. Special election boards.~~

1 of the county, shall nominate a candidate of the party's choice and shall
2 file a nomination paper and declaration complying with the requirements of
3 section 16-311 to fill such vacancy.

4 4. If the vacancy occurs in a candidate race for partisan
5 nomination in which at least one candidate of the vacating candidate's
6 political party remains on the ballot for the vacating candidate's office,
7 the vacancy shall not be filled. For an office to which more than one
8 candidate will be elected, the vacancy shall not be filled if at least one
9 candidate of the vacating candidate's political party remains on the
10 ballot for each of the multiple seats for the office sought by the
11 vacating candidate.

12 B. The nomination paper and declaration required in subsection A of
13 this section shall be filed with the office with which nomination
14 petitions were to be filed at any time before the official ballots are
15 printed.

16 C. Any meetings for the purpose of filing a nomination paper and
17 declaration provided for in this section shall be called by the chairman
18 of such committee or legislative district, except that in the case of
19 multicounty legislative or congressional districts the party county
20 chairman of the county having the largest geographic area within such
21 district shall call such meeting. The chairman or in his absence the vice
22 chairman calling such meeting shall preside. The call to such meeting
23 shall be mailed or given in person to each person entitled to participate
24 ~~no~~ NOT later than one day before such meeting. A majority of those
25 present and voting shall be required to fill a vacancy pursuant to this
26 section.

27 D. A vacancy that is due to voluntary or involuntary withdrawal of
28 the candidate and that occurs following the printing of official ballots
29 shall not be filled in accordance with this section, however, prospective
30 candidates shall comply with section 16-312. A candidate running as a
31 write-in candidate under this subsection shall file the nomination paper
32 ~~no~~ NOT later than 5:00 p.m. on the fifth day before the election.

33 E. Candidates nominated pursuant to subsection A of this section or
34 a candidate running as a write-in candidate under subsection D of this
35 section may be a candidate who ran in the immediately preceding primary
36 election for the office and failed to be nominated.

37 F. If a vacancy occurs as described in subsection A of this section
38 for a state office, the secretary of state shall notify the various boards
39 of supervisors as to the vacancy. The boards of supervisors shall notify
40 the inspectors of the various precinct election boards in the county,
41 district or precinct where a vacancy occurs. In the case of a city or
42 town election, the city or town clerk shall notify the appropriate
43 inspectors. A vacancy that occurs as prescribed in subsection D of this
44 section due to the death or incapacity of the candidate shall not be
45 filled and the secretary of state shall notify the appropriate county

1 board of supervisors to post a notice of the death or incapacity of the
2 candidate in each polling place along with notice that any votes cast for
3 that candidate will be tabulated.

4 G. The inspectors shall post the notice of vacancy in the same
5 manner as posting official write-in candidates. In the case of a
6 withdrawal of a candidate that occurs after the printing of official
7 ballots, the inspectors shall post the notice of withdrawal in a
8 conspicuous location in each polling place. Notice of withdrawal shall
9 ~~also be posted at all early voting locations and shall~~ be made available
10 to ~~early~~ ABSENTEE voters by providing with the ~~early~~ ABSENTEE ballot
11 instructions a website address at which prompt updates to information
12 regarding write-in and withdrawn candidates are available.

13 Sec. 5. Title 16, chapter 4, article 1, Arizona Revised Statutes,
14 is amended by adding section 16-410.01, to read:

15 16-410.01. County recorder; duties

16 NOTWITHSTANDING ANY OTHER LAW, THE COUNTY RECORDER IS RESPONSIBLE
17 ONLY FOR PROVIDING AN ADEQUATE NUMBER AND TYPE OF BALLOTS, PENS, TABLES
18 AND OTHER EQUIPMENT AS NECESSARY FOR THE VARIOUS POLLING PLACES LOCATED IN
19 PRECINCTS AS DETERMINED BY THE NUMBER OF REGISTERED VOTERS IN THE
20 PRECINCTS. THE COUNTY BOARD OF SUPERVISORS SHALL PERFORM OR SUPERVISE ALL
21 OTHER ELECTION RELATED DUTIES.

22 Sec. 6. Section 16-411, Arizona Revised Statutes, is amended to
23 read:

24 16-411. Designation of election precincts and polling places;
25 voting centers; electioneering; wait times

26 A. The board of supervisors of each county, on or before October 1
27 of each year preceding the year of a general election, by an order, shall
28 establish a convenient number of election precincts in the county and
29 define the boundaries of the precincts. The election precinct boundaries
30 shall be established so as to be included within election districts
31 prescribed by law for elected officers of the state and its political
32 subdivisions including community college district precincts, except those
33 elected officers provided for in titles 30 and 48. THE BOARD OF
34 SUPERVISORS MAY NOT ESTABLISH AN ELECTION PRECINCT THAT CONTAINS MORE THAN
35 ONE THOUSAND FIVE HUNDRED REGISTERED VOTERS ON THE DATE THE ELECTION
36 PRECINCT'S BOUNDARIES ARE ESTABLISHED.

37 B. At least twenty days before a general or primary election, and
38 at least ten days before a special election, the board shall designate one
39 polling place within each precinct where the election shall be held,
40 except that:

41 1. On a specific finding of the board, included in the order or
42 resolution designating polling places pursuant to this subsection, that no
43 suitable polling place is available within a precinct, a polling place for
44 that precinct may be designated within an adjacent precinct.

1 2. Adjacent precincts may be combined if boundaries so established
2 are included in election districts prescribed by law for state elected
3 officials and political subdivisions including community college districts
4 but not including elected officials prescribed by titles 30 and 48. The
5 officer in charge of elections may also split a precinct for
6 administrative purposes. The polling places shall be listed in separate
7 sections of the order or resolution.

8 3. ~~On a specific finding of the board that the number of persons~~
9 ~~who are listed as early voters pursuant to section 16-544 is likely to~~
10 ~~substantially reduce the number of voters appearing at one or more~~
11 ~~specific polling places at that election, adjacent precincts may be~~
12 ~~consolidated by combining polling places and precinct boards for that~~
13 ~~election.~~ The board of supervisors shall ensure that a reasonable and
14 adequate number of polling places **IN EACH PRECINCT** will be designated for
15 that election. Any consolidated polling places shall be listed in
16 separate sections of the order or resolution of the board.

17 4. ~~On a specific resolution of the board,~~ The board may **NOT**
18 authorize the use of voting centers in place of or in addition to
19 specifically designated polling places. ~~A voting center shall allow any~~
20 ~~voter in that county to receive the appropriate ballot for that voter on~~
21 ~~election day after presenting identification as prescribed in section~~
22 ~~16-579 and to lawfully cast the ballot. Voting centers may be established~~
23 ~~in coordination and consultation with the county recorder, at other county~~
24 ~~offices or at other locations in the county deemed appropriate.~~

25 5. ~~On a specific resolution of the board of supervisors that is~~
26 ~~limited to a specific election date and that is voted on by a recorded~~
27 ~~vote, the board may authorize the county recorder or other officer in~~
28 ~~charge of elections to use emergency voting centers as follows:~~

29 ~~(a) The board shall specify in the resolution the location and the~~
30 ~~hours of operation of the emergency voting centers.~~

31 ~~(b) A qualified elector voting at an emergency voting center shall~~
32 ~~provide identification as prescribed in section 16-579, except that~~
33 ~~notwithstanding section 16-579, subsection A, paragraph 2, for any voting~~
34 ~~at an emergency voting center, the county recorder or other officer in~~
35 ~~charge of elections may allow a qualified elector to update the elector's~~
36 ~~voter registration information as provided for in the secretary of state's~~
37 ~~instructions and procedures manual adopted pursuant to section 16-452.~~

38 ~~(c) If an emergency voting center established pursuant to this~~
39 ~~section becomes unavailable and there is not sufficient time for the board~~
40 ~~of supervisors to convene to approve an alternate location for that~~
41 ~~emergency voting center, the county recorder or other officer in charge of~~
42 ~~elections may make changes to the approved emergency voting center~~
43 ~~location and shall notify the public and the board of supervisors~~
44 ~~regarding that change as soon as practicable. The alternate emergency~~

1 ~~voting center shall be as close in proximity to the approved emergency~~
2 ~~voting center location as possible.~~

3 5. THE BOARD OF SUPERVISORS MAY NOT CHANGE A POLLING PLACE UNLESS
4 THE VOTERS IN THAT PRECINCT ARE NOTIFIED BY MAIL AT LEAST TWO YEARS IN
5 ADVANCE THAT THE POLLING PLACE HAS CHANGED.

6 C. If the board fails to designate the place for holding the
7 election, or if it cannot be held at or about the place designated, the
8 justice of the peace in the precinct, two days before the election, by an
9 order, copies of which the justice of the peace shall immediately post in
10 three public places in the precinct, shall designate the place within the
11 precinct for holding the election. If there is no justice of the peace in
12 the precinct, or if the justice of the peace fails to do so, the election
13 board of the precinct shall designate and give notice of the place within
14 the precinct of holding the election. ~~For any election in which there are~~
15 ~~no candidates for elected office appearing on the ballot, the board may~~
16 ~~consolidate polling places and precinct boards and may consolidate the~~
17 ~~tabulation of results for that election if all of the following apply:~~

18 1. All affected voters are notified by mail of the change at least
19 thirty-three days before the election.

20 2. Notice of the change in polling places includes notice of the
21 new voting location, notice of the hours for voting on election day and
22 notice of the telephone number to call for voter assistance.

23 ~~3. All affected voters receive information on early voting that~~
24 ~~includes the application used to request an early voting ballot.~~

25 ~~D. The board is not required to designate a polling place for~~
26 ~~special district mail ballot elections held pursuant to article 8.1 of~~
27 ~~this chapter, but the board may designate one or more sites for voters to~~
28 ~~deposit marked ballots until 7:00 p.m. on the day of the election.~~

29 ~~E. D. Except as provided in subsection F of this section,~~ A public
30 school shall provide sufficient space for use as a polling place for any
31 city, county or state election when requested by the officer in charge of
32 elections.

33 ~~F. The principal of the school may deny a request to provide space~~
34 ~~for use as a polling place for any city, county or state election if,~~
35 ~~within two weeks after a request has been made, the principal provides a~~
36 ~~written statement indicating a reason the election cannot be held in the~~
37 ~~school, including any of the following:~~

38 ~~1. Space is not available at the school.~~

39 ~~2. The safety or welfare of the children would be jeopardized.~~

40 E. WHENEVER POSSIBLE, THE BOARD OF SUPERVISORS SHALL USE PUBLIC
41 SCHOOLS AND GOVERNMENTAL OFFICES AS POLLING PLACES. ON REQUEST, SCHOOL
42 DISTRICT GOVERNING BOARD MEMBERS, PRINCIPALS AND MANAGERS OF GOVERNMENTAL
43 OFFICES SHALL ALLOW THEIR SITES TO BE USED AS POLLING PLACES.

1 ~~G.~~ F. The board shall make available to the public as a public
2 record a list of the polling places for all precincts in which the
3 election is to be held.

4 ~~H.~~ G. Except in the case of an emergency, any facility that is
5 used as a polling place on election day ~~or that is used as an early~~
6 ~~voting site during the period of early voting~~ shall allow persons to
7 electioneer and engage in other political activity outside of the
8 seventy-five foot limit prescribed by section 16-515 in public areas and
9 parking lots used by voters. This subsection does not allow the temporary
10 or permanent construction of structures in public areas and parking lots
11 or the blocking or other impairment of access to parking spaces for
12 voters. The county recorder or other officer in charge of elections shall
13 post on its website at least two weeks before election day a list of those
14 polling places in which emergency conditions prevent electioneering and
15 shall specify the reason the emergency designation was granted and the
16 number of attempts that were made to find a polling place before granting
17 an emergency designation. If the polling place is not on the website list
18 of polling places with emergency designations, electioneering and other
19 political activity shall be allowed outside of the seventy-five foot
20 limit. If an emergency arises after the county recorder or other officer
21 in charge of elections' initial website posting, the county recorder or
22 other officer in charge of elections shall update the website as soon as
23 is practicable to include any new polling places, shall highlight the
24 polling place location on the website and shall specify the reason the
25 emergency designation was granted and the number of attempts that were
26 made to find a polling place before granting an emergency designation.

27 ~~I.~~ H. For the purposes of this section, a county recorder or other
28 officer in charge of elections shall designate a polling place as an
29 emergency polling place and thus prohibit persons from electioneering and
30 engaging in other political activity outside of the seventy-five foot
31 limit prescribed by section 16-515 but inside the property of the facility
32 that is hosting the polling place if ~~any of the following occurs:~~

33 ~~1.~~ an act of God renders a previously set polling place as
34 unusable.

35 ~~2.~~ A county recorder or other officer in charge of elections has
36 exhausted all options and there are no suitable facilities in a precinct
37 that are willing to be a polling place unless a facility can be given an
38 emergency designation.

39 ~~J.~~ The secretary of state shall provide through the instructions
40 and procedures manual adopted pursuant to section 16-452 the maximum
41 allowable wait time for any election that is subject to section 16-204 and
42 provide for a method to reduce voter wait time at the polls in the primary
43 and general elections. The method shall consider at least all of the
44 following for primary and general elections in each precinct:

1 ~~1. The number of ballots voted in the prior primary and general~~
2 ~~elections.~~

3 ~~2. The number of registered voters who voted early in the prior~~
4 ~~primary and general elections.~~

5 ~~3. The number of registered voters and the number of registered~~
6 ~~voters who cast an early ballot for the current primary or general~~
7 ~~election.~~

8 ~~4. The number of election board members and clerks and the number~~
9 ~~of rosters that will reduce voter wait time at the polls.~~

10 Sec. 7. Section 16-442, Arizona Revised Statutes, is amended to
11 read:

12 16-442. Committee approval

13 A. The secretary of state shall appoint a committee of three
14 persons, to consist of a member of the engineering college at one of the
15 universities, a member of the state bar of Arizona and one person familiar
16 with voting processes in the state, ~~no~~ NOT more than two of whom shall be
17 of the same political party, and at least one of whom shall have at least
18 five years of experience with and shall be able to render an opinion based
19 on knowledge of, training in or education in ~~electronic~~ voting systems,
20 procedures and security. The committee shall investigate and test the
21 various types of vote recording ~~or tabulating machines or~~ devices that may
22 be used under this article. The committee shall submit its
23 recommendations to the secretary of state who shall make final adoption of
24 the type or types, make or makes, model or models to be certified for use
25 in this state. The committee shall serve without compensation.

26 B. Machines or devices used at any election for federal, state or
27 county offices may only be certified for use in this state and may only be
28 used in this state if they comply with the help America vote act of 2002,
29 ~~and if those machines or devices~~ THEY have been tested and approved by a
30 laboratory that is accredited pursuant to the help America vote act of
31 2002 AND IF THEY ARE TO BE USED TO COMPLY WITH THE ACCESSIBILITY
32 REQUIREMENTS PRESCRIBED BY SECTION 16-442.01. EXCEPT AS REQUIRED TO
33 COMPLY WITH SECTION 16-442.01, THE SECRETARY OF STATE MAY NOT APPROVE FOR
34 GENERAL USE ELECTRONIC VOTING MACHINES AND ELECTRONIC TABULATING MACHINES.

35 C. After consultation with the committee prescribed by subsection A
36 of this section, the secretary of state shall adopt standards that specify
37 the criteria for loss of certification for equipment that was used at any
38 election for federal, state or county offices and that was previously
39 certified for use in this state. On loss of certification, machines or
40 devices used at any election may not be used for any election for federal,
41 state or county offices in this state unless recertified for use in this
42 state.

43 D. The secretary of state ~~may~~ SHALL revoke the certification of any
44 voting system or device for use in a federal, state or county election in
45 this state or may prohibit for up to five years the purchase, lease or use

1 of any voting system or device leased, installed or used by a person or
2 firm in connection with a federal, state or county election in this state,
3 or both, if either of the following occurs:

4 1. The person or firm installs, uses or ~~permits~~ **ALLOWS** the use of a
5 voting system or device that is not certified for use or approved for
6 experimental use in this state pursuant to this section.

7 2. The person or firm uses or includes hardware, firmware or
8 software in a version that is not certified for use or approved for
9 experimental use pursuant to this section in a certified voting system or
10 device.

11 ~~E. The governing body of a city or town or the board of directors~~
12 ~~of an agricultural improvement district may adopt for use in elections any~~
13 ~~kind of electronic voting system or vote tabulating device approved by the~~
14 ~~secretary of state, and thereupon the voting or marking device and vote~~
15 ~~tabulating equipment may be used at any or all elections for voting,~~
16 ~~recording and counting votes cast at an election.~~

17 ~~F. The secretary of state or the governing body may provide for the~~
18 ~~experimental use of a voting system or device without a final adoption of~~
19 ~~the voting system or device, and its use at the election is as valid as if~~
20 ~~the machines had been permanently adopted.~~

21 ~~G. After consultation with the committee prescribed by subsection A~~
22 ~~of this section, the secretary of state may approve for emergency use an~~
23 ~~upgrade or modification to a voting system or device that is certified for~~
24 ~~use in this state if the governing body establishes in an open meeting~~
25 ~~that the election cannot be conducted without the emergency certification.~~
26 ~~Any emergency certification shall be limited to no more than six months.~~
27 ~~At the conclusion of the certification period the voting system or device~~
28 ~~shall be decertified and unavailable for future use unless certified in~~
29 ~~accordance with this section.~~

30 Sec. 8. Section 16-442.01, Arizona Revised Statutes, is amended to
31 read:

32 16-442.01. Accessible voting technology; recommendations;
33 certification; applicability

34 A. On completion of the certification process pursuant to this
35 section and section 16-442, the secretary of state shall require that
36 voting systems that are used by entities that are governed by section
37 16-204, but not including cities and towns with a population of less than
38 twenty thousand persons, provide persons who are blind or visually
39 impaired with access to voting that is equivalent to that provided to
40 persons who are not blind or visually impaired.

41 B. For the purposes of this section:

42 1. A voting system that provides the voter with the ability to cast
43 and verify by both visual and nonvisual methods all of the selections that
44 were made by that voter is deemed to provide equivalent access.

1 2. Nonvisual methods for casting and verifying a selection made on
2 a voting system include the use of synthesized speech, braille and other
3 output methods that do not require sight.

4 3. ANY ELECTRONIC VOTING SYSTEMS AUTHORIZED BY THIS SECTION MAY NOT
5 BE APPROVED FOR OR PROVIDED FOR GENERAL USE.

6 C. The secretary of state shall consult with and obtain
7 recommendations regarding voting systems from nonprofit organizations that
8 represent persons who are blind or visually impaired, persons with
9 expertise in accessible software, hardware and other technology, county
10 and local election officials and other persons deemed appropriate by the
11 secretary of state. After receiving recommendations, the secretary of
12 state shall submit to the committee established pursuant to section 16-442
13 one or more voting systems that provide equivalent access pursuant to this
14 section for possible certification for use in this state.

15 D. Subsection A of this section applies to voting systems that are
16 purchased or upgraded on or after January 1, 2006.

17 Sec. 9. Section 16-443, Arizona Revised Statutes, is amended to
18 read:

19 16-443. Authorization of use at all elections

20 At all state, county, city or town elections, agricultural
21 improvement district elections and primary AND GENERAL elections, ballots
22 or votes may be cast, recorded and counted by voting or marking devices
23 and vote tabulating devices as provided in this article, EXCEPT THAT
24 ELECTRONIC VOTING AND ELECTRONIC OR OTHER TABULATING DEVICES MAY ONLY BE
25 USED TO COMPLY WITH SECTION 16-442.01. FOR ALL OTHER USES, FOR STATE,
26 COUNTY, CITY OR TOWN ELECTIONS, ONLY PAPER BALLOTS MAY BE USED AND BALLOTS
27 SHALL BE TABULATED BY HAND.

28 Sec. 10. Section 16-444, Arizona Revised Statutes, is amended to
29 read:

30 16-444. Definitions

31 ~~A.~~ In this article, unless the context otherwise requires:

32 1. "Ballot" means a paper ballot on which votes are recorded.

33 2. "Computer program" includes all programs and documentation
34 adequate to process the ballots at an equivalent counting center.

35 3. "Counting center" means POLLING PLACES AND one or more locations
36 selected by the board of supervisors for the ~~automatic~~ counting of
37 ABSENTEE ballots.

38 4. "Electronic voting system" means a system in which ABSENTEE
39 votes are recorded on a paper ballot by means of marking, and such
40 ABSENTEE votes are subsequently counted and tabulated by vote tabulating
41 equipment at one ~~or more~~ COUNTY ABSENTEE BALLOT counting ~~centers~~ CENTER.

42 5. "E-pollbook" means an electronic system in which a voter is
43 checked in and through which a voter's signature is recorded to indicate
44 that the voter has voted.

1 ~~6. "Instructions and procedures manual" means the manual prepared~~
2 ~~for use as a guide for the conduct of elections by an approved electronic~~
3 ~~voting system, including, but not limited to, detailed instructions for~~
4 ~~the performance of each task relating to the collection of ballots and the~~
5 ~~counting of votes in a manner that will provide maximum security,~~
6 ~~efficiency and accuracy.~~

7 ~~7.~~ 6. "Vote tabulating equipment" includes apparatus necessary to
8 automatically examine and count votes as designated on ABSENTEE ballots
9 and tabulate the results.

10 ~~8.~~ 7. "Voting device" means an apparatus that the voter uses to
11 record the voter's votes by marking a paper ballot, which votes are
12 subsequently counted by ~~electronic tabulating equipment~~ HAND.

13 ~~8. The provisions of all state laws relating to elections not~~
14 ~~inconsistent with this article apply to all elections where electronic~~
15 ~~tabulating devices are used. Any provision of law that conflicts with~~
16 ~~this article does not apply to the elections in which electronic~~
17 ~~tabulating devices are used.~~

18 Sec. 11. Repeal

19 Section 16-445, Arizona Revised Statutes, is repealed.

20 Sec. 12. Section 16-446, Arizona Revised Statutes, is amended to
21 read:

22 16-446. Specifications of electronic voting system

23 A. An electronic voting system consisting of a voting or marking
24 device ~~in combination with vote tabulating equipment~~ THAT IS USED AS
25 PRESCRIBED IN SECTION 16-442.01 shall provide facilities for voting for
26 candidates at both primary and general elections.

27 B. An electronic voting system shall:

28 1. Provide for voting in secrecy when used with voting booths.

29 2. ~~Permit~~ ALLOW each elector to vote at any election for any person
30 for any office whether or not nominated as a candidate, to vote for as
31 many persons for an office as the elector is entitled to vote for and to
32 vote for or against any question on which the elector is entitled to vote,
33 and the vote tabulating equipment shall reject choices recorded on the
34 elector's ballot if the number of choices exceeds the number that the
35 elector is entitled to vote for the office or on the measure.

36 3. Prevent the elector from voting for the same person more than
37 once for the same office.

38 4. Be suitably designed for the purpose used and be of durable
39 construction, and may be used safely, efficiently and accurately in the
40 conduct of elections and counting ballots.

41 5. Be provided with means for sealing the voting or marking device
42 against any further voting after the close of the polls and the last voter
43 has voted.

44 6. When properly operated, record correctly and count accurately
45 every vote cast.

1 7. Provide a durable paper document that visually indicates the
2 voter's selections, that the voter may use to verify the voter's choices,
3 that may be spoiled by the voter if it fails to reflect the voter's
4 choices and that ~~permits~~ **ALLOWS** the voter to cast a new ballot. This
5 paper document shall be used in manual audits and recounts.

6 8. To the extent practicable, provide for the ballot layout to be
7 in the same order of arrangement, including rotation, as provided for
8 paper ballots, except that information may be printed in vertical or
9 horizontal rows, or in a number of separate pages or screens that are
10 placed or displayed on the voting device. The titles of offices may be
11 arranged in vertical columns or in a series of separate pages or screens
12 and shall be printed above or at the side of the names of candidates so as
13 to indicate clearly the candidates for each office and the number to be
14 elected. If there are more candidates for an office than can be printed
15 in one column or on one ballot page or screen, the ballot shall be clearly
16 marked that the list of candidates is continued on the following column,
17 page or screen, and to the extent practicable, the same number of names
18 shall be printed on each column, page or screen.

19 9. Provide for a color designation for use in the primary election
20 for each political party represented.

21 Sec. 13. Section 16-448, Arizona Revised Statutes, is amended to
22 read:

23 16-448. Write-in votes; instructions

24 ~~Whenever ballots are to be counted by electronic data processing~~
25 ~~equipment; TO BE COUNTED~~, all write-in votes for candidates, ~~to be~~
26 ~~counted~~, shall be marked by the voter in the space provided opposite the
27 names of the write-in candidates. The instructions to voters printed on
28 the ballots shall instruct the voter that the vote will not be counted
29 unless the voter properly marks the ballot when writing in a candidate's
30 name.

31 Sec. 14. Section 16-449, Arizona Revised Statutes, is amended to
32 read:

33 16-449. Required test of equipment and programs; notice

34 A. ~~Within the period of time before the election day prescribed by~~
35 ~~the secretary of state in the instructions and procedures manual adopted~~
36 ~~pursuant to section 16-452~~, The board of supervisors or other election
37 officer in charge **OF ELECTIONS**, or for an election involving state or
38 federal candidates, the secretary of state, shall ~~have~~ **TEST** the automatic
39 tabulating equipment and programs ~~tested~~ **USED FOR ABSENTEE BALLOTS** to
40 ascertain that the equipment and programs will correctly **MARK AND** count
41 the votes cast for all offices and on all measures. Public notice of the
42 time and place of the test shall be given at least forty-eight hours ~~prior~~
43 ~~thereto~~ **BEFORE THE TEST** by publication once in one or more daily or weekly
44 newspapers published in the town, city or village using such equipment, if
45 a newspaper is published ~~therein~~ **IN THE CITY, TOWN OR VILLAGE**, otherwise

1 in a newspaper of general circulation ~~therein~~. The test shall be observed
 2 by at least two election inspectors, who shall not be of the same
 3 political party, and shall be open to representatives of ALL OF the
 4 political parties, candidates, the press and the public. The test shall
 5 be conducted by processing a preaudited group of ABSENTEE ballots so
 6 ~~marked~~ as to record a predetermined number of valid votes for each
 7 candidate and on each measure and shall include for each office one or
 8 more ballots that have votes in excess of the number allowed by law in
 9 order to test the ability of the automatic tabulating equipment and
 10 programs to reject such votes. If any error is detected, the cause
 11 ~~therefor~~ FOR THE ERROR shall be ascertained and corrected and an errorless
 12 count shall be made before the ~~automatic tabulating equipment and programs~~
 13 ~~are IS~~ approved. ~~A copy of a revised program shall be filed with the~~
 14 ~~secretary of state within forty-eight hours after the revision is made.~~
 15 ~~If the error was created by automatic tabulating equipment malfunction, a~~
 16 ~~report shall be filed with the secretary of state within forty-eight hours~~
 17 ~~after the correction is made, stating the cause and the corrective action~~
 18 ~~taken.~~ The test shall be repeated immediately before the start of the
 19 official count of the ballots in the same manner as set forth above.
 20 After the completion of the count, the ~~programs used and the~~ ballots shall
 21 be sealed, retained and disposed of as provided for paper ballots.

22 B. Electronic ballot tabulating systems THAT ARE USED ONLY FOR
 23 TABULATING ABSENTEE BALLOTS shall be tested for logic and accuracy ~~within~~
 24 ~~seven days before their use for early balloting pursuant to the~~
 25 ~~instructions and procedures manual for electronic voting systems that is~~
 26 ~~adopted by the secretary of state as prescribed by section 16-452. The~~
 27 ~~instructions and procedures manual shall include procedures for the~~
 28 ~~handling of ballots, the electronic scanning of ballots and any other~~
 29 ~~matters necessary to ensure the maximum degree of correctness,~~
 30 ~~impartiality and uniformity in the administration of an electronic ballot~~
 31 ~~tabulating system.~~

32 C. Notwithstanding subsections A and B of this section, if a county
 33 uses accessible voting equipment to mark ballots ~~and that accessible~~
 34 ~~voting equipment does not independently tabulate or tally votes,~~ the
 35 secretary of state in cooperation with the county officer in charge of
 36 elections may designate a single date to test the logic and accuracy of
 37 ~~both~~ the accessible voting equipment and ~~electronic ballot tabulating~~
 38 ~~systems~~ ANY OTHER EQUIPMENT OR DEVICES USED TO MARK THE BALLOTS.

39 Sec. 15. Repeal

40 Sections 16-450, 16-451 and 16-452, Arizona Revised Statutes, are
 41 repealed.

1 Sec. 16. Section 16-461, Arizona Revised Statutes, is amended to
2 read:

3 16-461. Sample primary election ballots; submission to party
4 chairmen for examination; preparation, printing and
5 distribution of ballot

6 A. At least forty-five days before a primary election, the officer
7 in charge of that election shall:

8 1. Prepare a proof of a sample ballot.

9 2. Submit the sample ballot proof of each party to the county
10 chairman or in city or town primaries to the city or town chairman.

11 3. Mail a sample ballot proof to each candidate for whom a
12 nomination paper and petitions have been filed.

13 B. Within five days after receipt of the sample ballot, the county
14 chairman of each political party shall suggest to the election officer any
15 change the chairman considers should be made in the chairman's party
16 ballot, and if on examination the election officer finds an error or
17 omission in the ballot the officer shall correct it. The election officer
18 shall ~~cause~~ PRINT AND DISTRIBUTE the sample ballots ~~to be printed and~~
19 ~~distributed~~ as required by law, shall maintain a copy of each sample
20 ballot and shall post a notice indicating that sample ballots are
21 available on request. The official sample ballot shall be printed on
22 colored paper or white paper with a different colored stripe for each
23 party that is represented on that ballot. For voters who are not
24 registered with a party that is entitled to continued representation on
25 the ballot pursuant to section 16-804, the election officer may print and
26 distribute the required sample ballots in an alternative format, including
27 a reduced size format.

28 C. Not later than forty days before a primary election, the county
29 chairman of a political party may request one sample primary election
30 ballot of the chairman's party for each election precinct.

31 D. The board of supervisors shall have printed ~~mailed-type~~ sample
32 ballots for a primary election and shall mail at least eleven days before
33 the election one sample ballot of a political party to each household
34 containing a registered voter of that political party ~~unless that~~
35 ~~registered voter is on the active early voting list established pursuant~~
36 ~~to section 16-544~~. Each sample ballot shall contain the following
37 statement: "This is a sample ballot and cannot be used as an official
38 ballot under any circumstances". A certified claim shall be presented to
39 the secretary of state by the board of supervisors for the actual cost of
40 printing, labeling and postage of each sample ballot actually mailed, and
41 the secretary of state shall direct payment of the authenticated claim
42 from funds of the secretary of state's office.

43 E. For city and town elections, the governing body of a city or
44 town may have printed ~~mailed-type~~ sample ballots for a primary election.
45 If the city or town has printed such sample ballots, the city or town

1 shall provide for the distribution of such ballots and shall bear the
2 expense of printing and distributing ~~of~~ such sample ballots.

3 F. The return address on the ~~mailer-type~~ sample ballots shall not
4 contain the name of an appointed or elected public officer nor may the
5 name of an appointed or elected public officer be used to indicate who
6 produced the sample ballot.

7 G. The great seal of the state of Arizona shall be imprinted along
8 with the words "official voting materials" on the mailing face of each
9 sample ballot. In county, city or town elections the seal of such
10 jurisdiction shall be substituted for the state seal.

11 Sec. 17. Repeal

12 Sections 16-468 and 16-504, Arizona Revised Statutes, are repealed.

13 Sec. 18. Title 16, chapter 4, article 6, Arizona Revised Statutes,
14 is amended by adding a new section 16-504, to read:

15 16-504. Anti-fraud ballot paper

16 FOR THE REGULAR PRIMARY AND GENERAL ELECTIONS, THE BOARD OF
17 SUPERVISORS SHALL USE BALLOT PAPER THAT INCLUDES A HOLOGRAM, AN
18 IDENTIFIABLE SEQUENCE MARKING OR ANOTHER SIMILAR SYSTEM FOR PREVENTING
19 FRAUD AND THAT ALLOWS A VOTER TO RECEIVE A UNIQUELY MARKED OR NUMBERED
20 BALLOT.

21 Sec. 19. Section 16-510, Arizona Revised Statutes, is amended to
22 read:

23 16-510. Sample ballots; preparation and distribution

24 A. Before printing the sample ballots for the general election the
25 board of supervisors shall send to each candidate whose name did not
26 appear on the preceding primary election ballot a ballot proof of the
27 sample ballot for the candidate's review.

28 B. The board of supervisors shall print and distribute, for the
29 information of voters at each polling place, a number of sample ballots as
30 it deems necessary.

31 C. The board of supervisors shall have printed mailer-type sample
32 ballots for a general election and shall mail at least eleven days before
33 the election one such sample ballot to each household in the county
34 containing a registered voter ~~unless that registered voter is on the~~
35 ~~active early voting list established pursuant to section 16-544~~. Each
36 sample ballot shall contain the following statement: "This is a sample
37 ballot and cannot be used as an official ballot under any
38 circumstances". A certified claim shall be presented to the secretary of
39 state by the board of supervisors for the actual cost of printing,
40 labeling and postage of each sample ballot actually mailed, and the
41 secretary of state shall direct payment of the authenticated claim from
42 funds of the secretary of state's office.

43 D. For city and town elections, the governing body of a city or
44 town may have printed ~~mailer-type~~ sample ballots for a general
45 election. If the city or town has printed such sample ballots, the city

1 or town shall provide for the distribution of such ballots and shall bear
2 the expense of printing and distributing such sample ballots.

3 E. For special district elections, the governing body of a special
4 district may have printed ~~mailed-type~~ sample ballots. If the special
5 district has printed such sample ballots, the special district shall
6 provide for the distribution of such ballots and shall bear the expense of
7 printing and distributing such sample ballots.

8 Sec. 20. Section 16-515, Arizona Revised Statutes, is amended to
9 read:

10 16-515. "Seventy-five foot limit" notices; posting;
11 violation; classification

12 A. Except as prescribed in this section and section 16-580, a
13 person shall not be allowed to remain inside the seventy-five foot limit
14 while the polls are open, except for the purpose of voting, and except the
15 election officials, one representative at any one time of each political
16 party represented on the ballot who has been appointed by the county
17 chairman of that political party and the challengers allowed by law, and
18 ~~no~~ electioneering may NOT occur within the seventy-five foot limit.
19 Voters having cast their ballots shall promptly move outside the
20 seventy-five foot limit.

21 B. The board of supervisors shall furnish, with the ballots for
22 each polling place, three notices, printed in letters not less than two
23 inches high, with the heading: "Seventy-five foot limit" and underneath
24 that heading the following:

25 No person shall be allowed to remain inside these limits while
26 the polls are open, except for the purpose of voting, and
27 except the election officials, one representative at any one
28 time of each political party ~~represented on the ballot~~ who has
29 been appointed by the county chairman of such political party,
30 and the challengers allowed by law. Voters having cast their
31 ballots shall at once retire without the seventy-five foot
32 limit. A person violating any provision of this notice is
33 guilty of a class 2 misdemeanor.

34 C. ~~A minor voting in a simulated election at a polling place is~~
35 ~~subject to the same seventy-five foot limit restrictions prescribed for a~~
36 ~~voter. Persons supervising or working in a simulated election in which~~
37 ~~minors vote may remain within the seventy-five foot limit of the polling~~
38 ~~place.~~ The inspector for the polling place shall exercise authority over
39 all election ~~and simulated election~~ related activities at the polling
40 place.

41 D. For an election that is held by an Indian tribe and that is held
42 at a polling place at the same time and on the same date as any other
43 election, the following apply:

44 1. A person who is voting is subject to the same seventy-five foot
45 limit restrictions prescribed for other voters.

1 2. An election official for the tribal election may remain within
2 the seventy-five foot limit for the polling place.

3 E. With the permission of the voter, a minor may enter and remain
4 within the seventy-five foot limit in order to accompany a voter into a
5 polling place, an on-site ~~early~~ voting facility and a voting booth while
6 the voter is voting.

7 F. Notwithstanding any other law, an election official, a
8 representative of a political party who has been appointed by the county
9 chairman of that political party or a challenger who is authorized by law
10 to be within the seventy-five foot limit as prescribed by this section
11 shall not wear, carry or display materials that identify or express
12 support for or opposition to a candidate, a political party or
13 organization, a ballot question or any other political issue and shall not
14 electioneer within the seventy-five foot limit of a polling place.

15 G. Notwithstanding section 16-1018, a person may not take
16 photographs or videos while within the seventy-five foot limit.

17 H. Any person violating this section is guilty of a class 2
18 misdemeanor.

19 I. For the purposes of this section, electioneering occurs when an
20 individual knowingly, intentionally, by verbal expression and in order to
21 induce or compel another person to vote in a particular manner or to
22 refrain from voting expresses support for or opposition to a candidate who
23 appears on the ballot in that election, a ballot question that appears on
24 the ballot in that election or a political party with one or more
25 candidates who appear on the ballot in that election.

26 Sec. 21. Section 16-541, Arizona Revised Statutes, is amended to
27 read:

28 16-541. Absentee voting; voter eligibility

29 A. Any election called pursuant to the laws of this state shall
30 provide for ~~early~~ ABSENTEE voting. Any qualified ~~elector~~ VOTER WHO MEETS
31 THE CRITERIA ESTABLISHED BY THIS SECTION may vote by ~~early~~ ABSENTEE
32 ballot.

33 B. A VOTER SHALL BE ALLOWED TO VOTE BY ABSENTEE BALLOT FOR ANY ONE
34 OR MORE OF THE FOLLOWING REASONS:

35 1. THE VOTER EXPECTS TO BE OUTSIDE THIS STATE AT THE TIME OF THE
36 ELECTION.

37 2. THE VOTER IS PHYSICALLY UNABLE TO GO TO THE POLLS BECAUSE THE
38 VOTER IS HOSPITALIZED OR IN A NURSING HOME.

39 3. THE VOTER HAS A VISUAL IMPAIRMENT.

40 4. THE VOTER IS AN ABSENT UNIFORMED SERVICES VOTER OR OVERSEAS
41 VOTER AS DEFINED IN THE UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING
42 ACT (P.L. 99-410; 52 UNITED STATES CODE SECTION 20310) OR A SPOUSE OR
43 HOUSEHOLD MEMBER OF THE ABSENT UNIFORMED SERVICES VOTER OR OVERSEAS VOTER.

1 ~~B.~~ C. A qualified ~~elector~~ VOTER of a special district organized
2 pursuant to title 48 shall be permitted to vote early in any special
3 district mail ballot election as provided in article 8.1 of this chapter.

4 Sec. 22. Section 16-542, Arizona Revised Statutes, is amended to
5 read:

6 16-542. Request for ballot; civil penalties; violation;
7 classification

8 A. Within ninety-three days before any election called pursuant to
9 the laws of this state, an ~~elector~~ ELIGIBLE VOTER AS PRESCRIBED BY SECTION
10 16-541 may make a verbal or signed request to the county recorder, or
11 other officer in charge of elections for the applicable political
12 subdivision of this state in whose jurisdiction the ~~elector~~ VOTER is
13 registered to vote, for an official ~~early~~ ABSENTEE ballot. In addition to
14 name and address, the requesting ~~elector~~ VOTER shall provide the date of
15 birth and state or country of birth or other information that if compared
16 to the voter registration information on file would confirm the identity
17 of the ~~elector~~ VOTER AND SHALL SPECIFY ONE OF THE REASONS FOR VOTING
18 ABSENTEE PRESCRIBED BY SECTION 16-541. If the request indicates that the
19 ~~elector~~ VOTER needs a primary election ballot and a general election
20 ballot, the county recorder or other officer in charge of elections shall
21 honor the request. For any partisan primary election, if the ~~elector~~
22 VOTER is not registered as a member of a political party that is entitled
23 to continued representation on the ballot pursuant to section 16-804, the
24 ~~elector~~ VOTER shall designate the ballot of only one of the political
25 parties that is entitled to continued representation on the ballot and the
26 ~~elector~~ VOTER may receive and vote the ballot of only that one political
27 party, which also shall include any nonpartisan offices and ballot
28 questions, or the ~~elector~~ VOTER shall designate the ballot for nonpartisan
29 offices and ballot questions only and the ~~elector~~ VOTER may receive and
30 vote the ballot that contains only nonpartisan offices and ballot
31 questions. The county recorder or other officer in charge of elections
32 shall process any request for an ~~early~~ ABSENTEE ballot for a municipal
33 election pursuant to this subsection. ~~The county recorder may establish~~
34 ~~on-site early voting locations at the recorder's office, which shall be~~
35 ~~open and available for use beginning the same day that a county begins to~~
36 ~~send out the early ballots. The county recorder may also establish any~~
37 ~~other early voting locations in the county the recorder deems necessary.~~
38 ~~Any on-site early voting location or other early voting location shall~~
39 ~~require each elector to present identification as prescribed in section~~
40 ~~16-579 before receiving a ballot. Notwithstanding section 16-579,~~
41 ~~subsection A, paragraph 2, at any on-site early voting location or other~~
42 ~~early voting location the county recorder or other officer in charge of~~
43 ~~elections may provide for a qualified elector to update the elector's~~
44 ~~voter registration information as provided for in the secretary of state's~~
45 ~~instructions and procedures manual adopted pursuant to section 16-452.~~

1 B. Notwithstanding subsection A of this section, a request for an
 2 official ~~early~~ ABSENTEE ballot from an absent uniformed services voter or
 3 overseas voter as defined in the uniformed and overseas citizens absentee
 4 voting act ~~of 1986~~ (P.L. 99-410; 52 United States Code section 20310) ~~or a~~
 5 ~~voter whose information is protected pursuant to section 16-153~~ that is
 6 received by the county recorder or other officer in charge of elections
 7 more than ninety-three days before the election is valid. ~~if requested by~~
 8 ~~the absent uniformed services or overseas voter, or a voter whose~~
 9 ~~information is protected pursuant to section 16-153, the county recorder~~
 10 ~~or other officer in charge of elections shall provide to the requesting~~
 11 ~~voter early ballot materials through the next regularly scheduled general~~
 12 ~~election for federal office immediately following receipt of the request~~
 13 ~~unless a different period of time, which does not exceed the next two~~
 14 ~~regularly scheduled general elections for federal office, is designated by~~
 15 ~~the voter.~~

16 C. The county recorder or other officer in charge of elections
 17 shall mail the ~~early~~ ABSENTEE ballot and the envelope for its return
 18 postage prepaid to the address provided by the requesting ~~elector~~ VOTER
 19 within five days after receipt of the official ~~early~~ ABSENTEE ballots from
 20 the officer charged by law with the duty of preparing ballots pursuant to
 21 section 16-545, except that ~~early~~ ABSENTEE ballot distribution shall not
 22 begin more than twenty-seven days before the election. If an ~~early~~
 23 ABSENTEE ballot request is received on or before the thirty-first day
 24 before the election, the ~~early~~ ABSENTEE ballot shall be distributed not
 25 earlier than the twenty-seventh day before the election and not later than
 26 the twenty-fourth day before the election.

27 D. Only the ~~elector~~ VOTER may be in possession of that ~~elector's~~
 28 VOTER'S unvoted ~~early~~ ABSENTEE ballot. If a complete and correct request
 29 is made by the ~~elector~~ VOTER within twenty-seven days before the election,
 30 the mailing must be made within forty-eight hours after receipt of the
 31 request. Saturdays, Sundays and other legal holidays are excluded from
 32 the computation of the forty-eight hour period prescribed by this
 33 subsection. If a complete and correct request is made by an absent
 34 uniformed services voter or an overseas voter before the election, the
 35 regular ~~early~~ ABSENTEE ballot shall be transmitted by mail, by fax or by
 36 other electronic format approved by the secretary of state within
 37 twenty-four hours after the ~~early~~ ABSENTEE ballots are delivered pursuant
 38 to section 16-545, subsection B, excluding Sundays.

39 E. In order to be complete and correct and to receive an ~~early~~
 40 ABSENTEE ballot by mail, ~~an elector's~~ A VOTER'S request that an ~~early~~
 41 ABSENTEE ballot be mailed to the ~~elector's~~ VOTER'S residence or temporary
 42 address must include all of the information prescribed by subsection A of
 43 this section and must be received by the county recorder or other officer
 44 in charge of elections ~~no~~ NOT later than 5:00 p.m. on the eleventh day
 45 preceding the election. ~~An elector who appears personally no later than~~

1 ~~5:00 p.m. on the Friday preceding the election at an on-site early voting~~
 2 ~~location that is established by the county recorder or other officer in~~
 3 ~~charge of elections shall be given a ballot after presenting~~
 4 ~~identification as prescribed in section 16-579 and shall be permitted to~~
 5 ~~vote at the on-site location. Notwithstanding section 16-579, subsection~~
 6 ~~A, paragraph 2, at any on-site early voting location the county recorder~~
 7 ~~or other officer in charge of elections may provide for a qualified~~
 8 ~~elector to update the elector's voter registration information as provided~~
 9 ~~for in the secretary of state's instructions and procedures manual adopted~~
 10 ~~pursuant to section 16-452. If an elector's A VOTER'S request to receive~~
 11 an early ABSENTEE ballot is not complete and correct but complies with all
 12 other requirements of this section, the county recorder or other officer
 13 in charge of elections shall attempt to notify the ~~elector~~ VOTER of the
 14 deficiency of the request.

15 ~~F. Unless an elector specifies that the address to which an early~~
 16 ~~ballot is to be sent is a temporary address, the recorder may use the~~
 17 ~~information from an early ballot request form to update voter registration~~
 18 ~~records.~~

19 ~~G.~~ F. The county recorder or other officer in charge of early
 20 ABSENTEE balloting shall provide an alphabetized list of all voters in the
 21 precinct who have requested and have been sent an early ABSENTEE ballot to
 22 the election board of the precinct in which the voter is registered not
 23 later than the day before the election.

24 ~~H.~~ G. As a result of experiencing an emergency between 5:00 p.m.
 25 on the Friday preceding the election and 5:00 p.m. on the Monday preceding
 26 the election, qualified ~~electors~~ VOTERS may request to vote in the manner
 27 prescribed by the board of supervisors of their respective county. Before
 28 voting pursuant to this subsection, ~~an elector~~ A VOTER who experiences an
 29 emergency shall provide identification as prescribed in section 16-579 and
 30 shall sign a statement under penalty of perjury that states that the
 31 person is experiencing or experienced an emergency after 5:00 p.m. on the
 32 Friday immediately preceding the election and before 5:00 p.m. on the
 33 Monday immediately preceding the election that would prevent the person
 34 from voting at the polls. Signed statements received pursuant to this
 35 subsection are not subject to inspection pursuant to title 39, chapter 1,
 36 article 2. For the purposes of this subsection, "emergency" means any
 37 unforeseen circumstances that would prevent the ~~elector~~ VOTER from voting
 38 at the polls.

39 ~~I. Notwithstanding section 16-579, subsection A, paragraph 2, for~~
 40 ~~any voting pursuant to subsection H of this section, the county recorder~~
 41 ~~or other officer in charge of elections may allow a qualified elector to~~
 42 ~~update the elector's voter registration information as provided for in the~~
 43 ~~secretary of state's instructions and procedures manual adopted pursuant~~
 44 ~~to section 16-452.~~

~~J. A candidate, political committee or other organization may distribute early ballot request forms to voters. If the early ballot request forms include a printed address for return, the addressee shall be the political subdivision that will conduct the election. Failure to use the political subdivision as the return addressee is punishable by a civil penalty of up to three times the cost of the production and distribution of the request.~~

~~K. All original and completed early ballot request forms that are received by a candidate, political committee or other organization shall be submitted within six business days after receipt by a candidate, political committee or other organization or eleven days before the election day, whichever is earlier, to the political subdivision that will conduct the election. Any person, political committee or other organization that fails to submit a completed early ballot request form within the prescribed time is subject to a civil penalty of up to \$25 per day for each completed form withheld from submittal. Any person who knowingly fails to submit a completed early ballot request form before the submission deadline for the election immediately following the completion of the form is guilty of a class 6 felony.~~

~~L. H. Except for a voter who is on the active early voting list prescribed by section 16-544, A voter who requests a onetime early ABSENTEE ballot pursuant to THIS section 16-542 or for an election conducted pursuant to section 16-409 or article 8.1 of this chapter, a county recorder, city or town clerk or other election officer may not deliver or mail an early ABSENTEE ballot to a person who has not requested an early ABSENTEE ballot for that election. An election officer who knowingly violates this subsection is guilty of a class 5-2 felony.~~

Sec. 23. Repeal

Section 16-544, Arizona Revised Statutes, is repealed.

Sec. 24. Section 16-547, Arizona Revised Statutes, is amended to read:

16-547. Ballot affidavit; form

A. The early ABSENTEE ballot shall be accompanied by an envelope bearing on the front the name, official title and post office address of the recorder or other officer in charge of elections and on the other side a printed affidavit in substantially the following form:

I declare the following under penalty of perjury: I am a registered voter in _____ county Arizona, AND I EXPECT TO BE ABSENT FROM THIS STATE AT THE TIME OF THE ELECTION OR I AM PHYSICALLY UNABLE TO GO TO THE POLLS BECAUSE I AM IN THE HOSPITAL OR A NURSING HOME OR BECAUSE I AM VISUALLY IMPAIRED OR I AM AN ABSENT UNIFORMED SERVICES VOTER OR OVERSEAS VOTER, AND I have not voted and will not vote in this election in any other county or state, I understand that knowingly voting more than once in any election is a class 5 felony and I voted the enclosed ballot and signed this affidavit personally unless noted below.

1 If the voter was assisted by another person in marking
2 the ballot, complete the following:

3 I declare the following under penalty of perjury: At
4 the registered voter's request I assisted the voter identified
5 in this affidavit with marking the voter's ballot, I marked
6 the ballot as directly instructed by the voter, I provided the
7 assistance because the voter was physically unable to mark the
8 ballot solely due to illness, injury or physical limitation
9 and I understand that there is no power of attorney for voting
10 and that the voter must be able to make the voter's selection
11 even if ~~they~~ THE VOTER cannot physically mark the ballot.

12 Name of voter assistant: _____

13 Address of voter assistant: _____

14 B. The face of each envelope in which a ballot is sent to a federal
15 postcard applicant or in which a ballot is returned by the applicant to
16 the recorder or other officer in charge of elections shall be in the form
17 prescribed in accordance with the uniformed and overseas citizens absentee
18 voting act ~~of 1986~~ (P.L. 99-410; 52 United States Code section 20301).
19 Otherwise, the envelopes shall be the same as those used to send ballots
20 to, or receive ballots from, other ~~early~~ ABSENTEE voters.

21 C. The officer charged by law with the duty of preparing ballots at
22 any election shall ensure that the ~~early~~ ABSENTEE ballot is sent in an
23 envelope that states substantially the following:

24 If the addressee does not reside at this address, mark
25 the unopened envelope "return to sender" and deposit it in the
26 United States mail.

27 D. The county recorder or other officer in charge of elections
28 shall supply printed instructions to ~~early~~ ABSENTEE voters that direct
29 them to sign the affidavit, mark the ballot and return both in the
30 enclosed self-addressed envelope that complies with section 16-545. The
31 instructions shall include the following statement:

32 In order to be valid and counted, the ballot and
33 affidavit must be delivered to the office of the county
34 recorder or other officer in charge of elections or may be
35 deposited at any polling place in the county ~~no~~ NOT later than
36 7:00 p.m. on election day. The ballot will not be counted
37 without the voter's signature on the envelope.

38 (WARNING—It is a felony to offer or receive any compensation
39 for a ballot.)

40 Sec. 25. Section 16-558.02, Arizona Revised Statutes, is amended to
41 read:

42 16-558.02. Replacement ballots

43 A. The county recorder or other officer in charge of elections
44 shall determine a central location in the district and shall provide for a
45 ballot replacement center that is as near to that location as is

1 practicable for ELIGIBLE electors to obtain a replacement ballot. The
2 location shall be open from 6:00 a.m. until 7:00 p.m. of the day of the
3 election. An elector may obtain a replacement ballot until 7:00 p.m. on
4 the day of the election on presenting a signed, sworn statement that the
5 ABSENTEE ballot was lost, spoiled, destroyed or not received.

6 B. The recorder or other officer in charge of elections shall keep
7 a record of each replacement ballot provided pursuant to this section.

8 C. If an elector to whom a replacement ballot is issued votes more
9 than once, only the first ballot received shall be counted.

10 Sec. 26. Title 16, chapter 4, article 9, Arizona Revised Statutes,
11 is amended by adding section 16-575, to read:

12 16-575. Mask mandate; vaccination; testing prohibition

13 THE BOARD OF SUPERVISORS, COUNTY RECORDER AND OFFICER IN CHARGE OF
14 ELECTIONS MAY NOT REQUIRE THAT A VOTER, A BOARD WORKER OR ANY OTHER PERSON
15 WEAR A FACIAL MASK AT A POLLING PLACE OR OTHER VOTING OR TABULATING
16 LOCATION OR BE VACCINATED AGAINST OR TESTED FOR A VIRUS AS A CONDITION OF
17 ENTERING A POLLING PLACE OR OTHER VOTING OR TABULATING LOCATION.

18 Sec. 27. Section 16-602, Arizona Revised Statutes, is amended to
19 read:

20 16-602. Paper ballots; report

21 ~~A.~~ For any primary, special or general election ~~in which the votes~~
22 ~~are cast on an electronic voting machine or tabulator~~, the election judge
23 shall compare the number of votes cast as indicated ~~on the machine or~~
24 ~~tabulator~~ FROM THE PAPER BALLOTS with the number of votes cast as
25 indicated on the poll list and the number of provisional ballots cast and
26 that information shall be noted in a written report prepared and submitted
27 to the officer in charge of elections along with other tally reports. ALL
28 BALLOTS SHALL BE COUNTED BY HAND.

29 ~~B. For each countywide primary, special, general and presidential~~
30 ~~preference election, the county officer in charge of the election shall~~
31 ~~conduct a hand count at one or more secure facilities. The hand count~~
32 ~~shall be conducted as prescribed by this section and in accordance with~~
33 ~~hand count procedures established by the secretary of state in the~~
34 ~~official instructions and procedures manual adopted pursuant to section~~
35 ~~16-452. The hand count is not subject to the live video requirements of~~
36 ~~section 16-621, subsection D, but the party representatives who are~~
37 ~~observing the hand count may bring their own video cameras in order to~~
38 ~~record the hand count. The recording shall not interfere with the conduct~~
39 ~~of the hand count and the officer in charge of the election may prohibit~~
40 ~~from recording or remove from the facility persons who are taking actions~~
41 ~~to disrupt the count. The sole act of recording the hand count does not~~
42 ~~constitute sufficient grounds for the officer in charge of the election to~~
43 ~~prohibit observers from recording or to remove them from the facility.~~
44 ~~The hand count shall be conducted in the following order:~~

1 ~~1. At least two percent of the precincts in that county, or two~~
2 ~~precincts, whichever is greater, shall be selected at random from a pool~~
3 ~~consisting of every precinct in that county. The county political party~~
4 ~~chairman for each political party that is entitled to continued~~
5 ~~representation on the state ballot or the chairman's designee shall~~
6 ~~conduct the selection of the precincts to be hand counted. The precincts~~
7 ~~shall be selected by lot without the use of a computer, and the order of~~
8 ~~selection by the county political party chairmen shall also be by lot.~~
9 ~~The selection of the precincts shall not begin until all ballots voted in~~
10 ~~the precinct polling places have been delivered to the central counting~~
11 ~~center. The unofficial vote totals from all precincts shall be made~~
12 ~~public before selecting the precincts to be hand counted. Only the~~
13 ~~ballots cast in the polling places and ballots from direct recording~~
14 ~~electronic machines shall be included in the hand counts conducted~~
15 ~~pursuant to this section. Provisional ballots, conditional provisional~~
16 ~~ballots and write-in votes shall not be included in the hand counts and~~
17 ~~the early ballots shall be grouped separately by the officer in charge of~~
18 ~~elections for purposes of a separate manual audit pursuant to subsection F~~
19 ~~of this section.~~

20 ~~2. The races to be counted on the ballots from the precincts that~~
21 ~~were selected pursuant to paragraph 1 of this subsection for each primary,~~
22 ~~special and general election shall include up to five contested races.~~
23 ~~After the county recorder or other officer in charge of elections~~
24 ~~separates the primary ballots by political party, the races to be counted~~
25 ~~shall be determined by selecting by lot without the use of a computer from~~
26 ~~those ballots as follows:~~

27 ~~(a) For a general election, one statewide ballot measure, unless~~
28 ~~there are no measures on the ballot.~~

29 ~~(b) One contested statewide race for statewide office.~~

30 ~~(c) One contested race for federal office, either United States~~
31 ~~senate or United States house of representatives. If the United States~~
32 ~~house of representatives race is selected, the names of the candidates may~~
33 ~~vary among the sampled precincts.~~

34 ~~(d) One contested race for state legislative office, either state~~
35 ~~house of representatives or state senate. In either case, the names of~~
36 ~~the candidates may vary among the sampled precincts.~~

37 ~~(e) If there are fewer than four contested races resulting from the~~
38 ~~selections made pursuant to subdivisions (a) through (d) of this section~~
39 ~~and if there are additional contested federal, statewide or legislative~~
40 ~~races or ballot measures, additional contested races shall be selected by~~
41 ~~lot not using a computer until four races have been selected or until no~~
42 ~~additional contested federal, statewide or legislative races or ballot~~
43 ~~measures are available for selection.~~

1 ~~(f) If there are no contested races as prescribed by this~~
2 ~~paragraph, a hand count shall not be conducted for that precinct for that~~
3 ~~election.~~

4 ~~3. For the presidential preference election, select by lot two~~
5 ~~percent of the polling places designated and used pursuant to section~~
6 ~~16-248 and perform the hand count of those ballots.~~

7 ~~4. For the purposes of this section, a write-in candidacy in a race~~
8 ~~does not constitute a contested race.~~

9 ~~5. In elections in which there are candidates for president, the~~
10 ~~presidential race shall be added to the four categories of hand counted~~
11 ~~races.~~

12 ~~6. Each county chairman of a political party that is entitled to~~
13 ~~continued representation on the state ballot or the chairman's designee~~
14 ~~shall select by lot the individual races to be hand counted pursuant to~~
15 ~~this section.~~

16 ~~7. The county chairman of each political party shall designate and~~
17 ~~provide the number of election board members as designated by the county~~
18 ~~officer in charge of elections who shall perform the hand count under the~~
19 ~~supervision of the county officer in charge of elections. For each~~
20 ~~precinct that is to be audited, the county chairmen shall designate at~~
21 ~~least two board workers who are registered members of any or no political~~
22 ~~party to assist with the audit. Any qualified elector from this state may~~
23 ~~be a board worker without regard to party designation. The county~~
24 ~~election officer shall provide for compensation for those board workers,~~
25 ~~not to include travel, meal or lodging expenses. If there are less than~~
26 ~~two persons for each audited precinct available to participate on behalf~~
27 ~~of each recognized political party, the recorder or officer in charge of~~
28 ~~elections, with the approval of at least two county party chairpersons in~~
29 ~~the county in which the shortfall occurs, shall substitute additional~~
30 ~~individual electors who are provided by any political party from anywhere~~
31 ~~in the state without regard to party designation to conduct the hand~~
32 ~~count. A county party chairman shall approve only those substitute~~
33 ~~electors who are provided by the county chairman's political party. The~~
34 ~~political parties shall provide to the recorder or officer in charge of~~
35 ~~elections in writing the names of those persons intending to participate~~
36 ~~in the hand count at the audited precincts not later than 5:00 p.m. on the~~
37 ~~Tuesday preceding the election. If the total number of board workers~~
38 ~~provided by all parties is less than four times the number of precincts to~~
39 ~~be audited, the recorder or officer in charge of elections shall notify~~
40 ~~the parties of the shortage by 9:00 a.m. on the Wednesday preceding the~~
41 ~~election. The hand count shall not proceed unless the political parties~~
42 ~~provide the recorder or officer in charge of elections, in writing, a~~
43 ~~sufficient number of persons by 5:00 p.m. on the Thursday preceding the~~
44 ~~election and a sufficient number of persons, pursuant to this paragraph,~~
45 ~~arrive to perform the hand count. The recorder or officer in charge of~~

1 ~~elections may prohibit persons from participating in the hand count if~~
2 ~~they are taking actions to disrupt the count or are unable to perform the~~
3 ~~duties as assigned. For the hand count to proceed, not more than~~
4 ~~seventy-five percent of the persons performing the hand count shall be~~
5 ~~from the same political party.~~

6 ~~8. If a political party is not represented by a designated~~
7 ~~chairperson within a county, the state chairperson for that political~~
8 ~~party, or a person designated by the state chairperson, may perform the~~
9 ~~actions required by the county chairperson as specified in this section.~~

10 ~~6. If the randomly selected races result in a difference in any~~
11 ~~race that is less than the designated margin when compared to the~~
12 ~~electronic tabulation of those same ballots, the results of the electronic~~
13 ~~tabulation constitute the official count for that race. If the randomly~~
14 ~~selected races result in a difference in any race that is equal to or~~
15 ~~greater than the designated margin when compared to the electronic~~
16 ~~tabulation of those same ballots, a second hand count of those same~~
17 ~~ballots and races shall be performed. If the second hand count results in~~
18 ~~a difference in any race that is less than the designated margin when~~
19 ~~compared to the electronic tabulation for those same ballots, the~~
20 ~~electronic tabulation constitutes the official count for that race. If~~
21 ~~the second hand count results in a difference in any race that is equal to~~
22 ~~or greater than the designated margin when compared to the electronic~~
23 ~~tabulation for those same ballots, the hand count shall be expanded to~~
24 ~~include a total of twice the original number of randomly selected~~
25 ~~precincts. Those additional precincts shall be selected by lot without~~
26 ~~the use of a computer.~~

27 ~~8. In any expanded count of randomly selected precincts, if the~~
28 ~~randomly selected precinct hand counts result in a difference in any race~~
29 ~~that is equal to or greater than the designated margin when compared to~~
30 ~~the electronic tabulation of those same ballots, the final hand count~~
31 ~~shall be extended to include the entire jurisdiction for that race. If~~
32 ~~the jurisdictional boundary for that race would include any portion of~~
33 ~~more than one county, the final hand count shall not be extended into the~~
34 ~~precincts of that race that are outside of the county that is conducting~~
35 ~~the expanded hand count. If the expanded hand count results in a~~
36 ~~difference in that race that is less than the designated margin when~~
37 ~~compared to the electronic tabulation of those same ballots, the~~
38 ~~electronic tabulation constitutes the official count for that race.~~

39 ~~9. If a final hand count is performed for an entire jurisdiction~~
40 ~~for a race, the final hand count shall be repeated for that race until a~~
41 ~~hand count for that race for the entire jurisdiction results in a count~~
42 ~~that is identical to one other hand count for that race for the entire~~
43 ~~jurisdiction and that hand count constitutes the official count for that~~
44 ~~race.~~

1 ~~F. After the electronic tabulation of early ballots and at one or~~
2 ~~more times selected by the chairman of the political parties entitled to~~
3 ~~continued representation on the ballot or the chairman's designee, the~~
4 ~~chairmen or the chairmen's designees shall randomly select one or more~~
5 ~~batches of early ballots that have been tabulated to include at least one~~
6 ~~batch from each machine used for tabulating early ballots and those~~
7 ~~ballots shall be securely sequestered by the county recorder or officer in~~
8 ~~charge of elections along with their unofficial tally reports for a~~
9 ~~postelection manual audit. The chairmen or the chairmen's designees shall~~
10 ~~randomly select from those sequestered early ballots a number equal to one~~
11 ~~percent of the total number of early ballots cast or five thousand early~~
12 ~~ballots, whichever is less. From those randomly selected early ballots,~~
13 ~~the county officer in charge of elections shall conduct a manual audit of~~
14 ~~the same races that are being hand counted pursuant to subsection B of~~
15 ~~this section. If the manual audit of the early ballots results in a~~
16 ~~difference in any race that is equal to or greater than the designated~~
17 ~~margin when compared to the electronically tabulated results for those~~
18 ~~same early ballots, the manual audit shall be repeated for those same~~
19 ~~early ballots. If the second manual audit results in a difference in that~~
20 ~~race that is equal to or greater than the designated margin when compared~~
21 ~~to the electronically tabulated results for those same early ballots, the~~
22 ~~manual audit shall be expanded only for that race to a number of~~
23 ~~additional early ballots equal to one percent of the total early ballots~~
24 ~~cast or an additional five thousand ballots, whichever is less, to be~~
25 ~~randomly selected from the batch or batches of sequestered early~~
26 ~~ballots. If the expanded early ballot manual audit results in a~~
27 ~~difference for that race that is equal to or greater than the designated~~
28 ~~margin when compared to any of the earlier manual counts for that race,~~
29 ~~the manual counts shall be repeated for that race until a manual count~~
30 ~~results in a difference in that race that is less than the designated~~
31 ~~margin. If at any point in the manual audit of early ballots the~~
32 ~~difference between any manual count of early ballots is less than the~~
33 ~~designated margin when compared to the electronic tabulation of those~~
34 ~~ballots, the electronic tabulation shall be included in the canvass and no~~
35 ~~further manual audit of the early ballots shall be conducted.~~

36 ~~G. During any hand count of early ballots, the county officer in~~
37 ~~charge of elections and election board workers shall attempt to determine~~
38 ~~the intent of the voter in casting the ballot.~~

39 ~~H. Notwithstanding any other law, the county officer in charge of~~
40 ~~elections shall retain custody of the ballots for purposes of performing~~
41 ~~any required hand counts and the officer shall provide for security for~~
42 ~~those ballots.~~

43 ~~I. The hand counts prescribed by this section shall begin within~~
44 ~~twenty-four hours after the closing of the polls and shall be completed~~
45 ~~before the canvassing of the election for that county. The results of~~

1 ~~those hand counts shall be provided to the secretary of state, who shall~~
2 ~~make those results publicly available on the secretary of state's website.~~

3 ~~j. For any county in which a hand count has been expanded to all~~
4 ~~precincts in the jurisdiction, the secretary of state shall make available~~
5 ~~the escrowed source code for that county to the superior court. The~~
6 ~~superior court shall appoint a special master to review the computer~~
7 ~~software. The special master shall have expertise in software~~
8 ~~engineering, shall not be affiliated with an election software vendor nor~~
9 ~~with a candidate, shall sign and be bound by a nondisclosure agreement~~
10 ~~regarding the source code itself and shall issue a public report to the~~
11 ~~court and to the secretary of state regarding the special master's~~
12 ~~findings on the reasons for the discrepancies. The secretary of state~~
13 ~~shall consider the reports for purposes of reviewing the certification of~~
14 ~~that equipment and software for use in this state.~~

15 ~~k. The vote count verification committee is established in the~~
16 ~~office of the secretary of state and all of the following apply:~~

17 ~~1. At least thirty days before the 2006 primary election, the~~
18 ~~secretary of state shall appoint seven persons to the committee, not more~~
19 ~~than three of whom are members of the same political party.~~

20 ~~2. Members of the committee shall have expertise in any two or more~~
21 ~~of the areas of advanced mathematics, statistics, random selection~~
22 ~~methods, systems operations or voting systems.~~

23 ~~3. A person is not eligible to be a committee member if that person~~
24 ~~has been affiliated with or received any income in the preceding five~~
25 ~~years from any person or entity that provides election equipment or~~
26 ~~services in this state.~~

27 ~~4. The vote count verification committee shall meet and establish~~
28 ~~one or more designated margins to be used in reviewing the hand counting~~
29 ~~of votes as required pursuant to this section. The committee shall review~~
30 ~~and consider revising the designated margins every two years for use in~~
31 ~~the applicable elections. The committee shall provide the designated~~
32 ~~margins to the secretary of state at least ten days before the primary~~
33 ~~election and at least ten days before the general election, and the~~
34 ~~secretary of state shall make that information publicly available on the~~
35 ~~secretary of state's website.~~

36 ~~5. Members of the vote count verification committee are not~~
37 ~~eligible to receive compensation but are eligible for reimbursement of~~
38 ~~expenses pursuant to title 38, chapter 4, article 2. The committee is a~~
39 ~~public body and its meetings are subject to title 38, chapter 3, article~~
40 ~~3.1 and its reports and records are subject to title 39, chapter 1.~~

41 ~~Sec. 28. Section 16-621, Arizona Revised Statutes, is amended to~~
42 ~~read:~~

43 ~~16-621. Proceedings at the counting center~~

44 ~~A. All proceedings at the counting center shall be under the~~
45 ~~direction of the board of supervisors or other officer in charge of~~

1 elections and shall be conducted ~~in accordance with the approved~~
 2 ~~instructions and procedures manual issued pursuant to section 16-452~~ under
 3 the observation of representatives of each political party and the public.
 4 The proceedings at the counting center may also be observed by up to three
 5 additional people representing a candidate for nonpartisan office, or
 6 representing a political committee in support of or in opposition to a
 7 ballot measure, proposition or question. A draw by lot shall determine
 8 which three groups or candidates shall have representatives participate in
 9 the observation at the counting center. Persons representing a candidate
 10 for nonpartisan office or persons or groups representing a political
 11 committee in support of or in opposition to a ballot measure, proposition
 12 or question, who are interested in participating in the observation, shall
 13 notify the officer in charge of elections of their desire to be included
 14 in the draw not later than seventeen days before the election. After the
 15 deadline to receive submissions from the interested persons or groups, but
 16 prior to fourteen days before the election, the county officer in charge
 17 of elections shall draw by lot, from the list of those that expressed
 18 interest, three persons or groups and those selected shall be notified and
 19 allowed to observe the proceedings at the counting center. If a group is
 20 selected the group may alter who represents that group for different days
 21 of observation but on any given observation day a selected group shall not
 22 send more than one observer. A group may rotate an observer throughout
 23 the day. Only those persons who are authorized for the purpose shall
 24 touch any ballot or ballot card or return. All persons who are engaged in
 25 processing and counting of the ballots shall be qualified electors, shall
 26 be deputized in writing and shall take an oath that they will faithfully
 27 perform their assigned duties. There shall be no preferential counting of
 28 ballots for the purpose of projecting the outcome of the election. **THE**
 29 **BOARD OF SUPERVISORS OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL NOT**
 30 **ALLOW THE USE OF ELECTRONIC OR OTHER TABULATING EQUIPMENT AND ALL COUNTING**
 31 **SHALL BE DONE BY HAND. BALLOTS SHALL BE ORGANIZED AND REMAIN SEGREGATED**
 32 **BY PRECINCT, BOTH BEFORE AND AFTER COUNTING.** ~~If any ballot, including any~~
 33 ~~ballot received from early voting, is damaged or defective so that it~~
 34 ~~cannot properly be counted by the automatic tabulating equipment, a true~~
 35 ~~duplicate copy shall be made of the damaged or defective ballot in the~~
 36 ~~presence of witnesses and substituted for the damaged or defective ballot.~~
 37 ~~All duplicate ballots created pursuant to this subsection shall be clearly~~
 38 ~~labeled "duplicate" and shall bear a serial number that shall be recorded~~
 39 ~~on the damaged or defective ballot.~~
 40 ~~B. If the counting center automatic tabulating equipment includes~~
 41 ~~an electronic vote adjudication feature that has been certified for use as~~
 42 ~~prescribed by section 16-442 and the board of supervisors or officer in~~
 43 ~~charge of elections authorizes the use of this feature at the counting~~
 44 ~~center, all of the following apply:~~

1 ~~1. The electronic vote adjudication feature shall be included in~~
2 ~~the tabulation system logic and accuracy testing prescribed by section~~
3 ~~16-449.~~

4 ~~2. The board of supervisors or officer in charge of elections shall~~
5 ~~appoint an electronic vote adjudication board that consists of two judges~~
6 ~~who are overseen by an inspector, with the two judges equally divided~~
7 ~~between the two largest political parties as prescribed by section 16-531,~~
8 ~~subsection D to adjudicate and submit for tabulation a ballot that is read~~
9 ~~by the tabulation machine as blank in order to determine if voter intent~~
10 ~~is clear on a portion or all of the ballot, or any portion of any ballot~~
11 ~~as prescribed by section 16-610 or 16-611, or to tally write-in choices as~~
12 ~~prescribed by section 16-612.~~

13 ~~3. The electronic vote adjudication process used by the electronic~~
14 ~~vote adjudication board shall provide for:~~

15 ~~(a) A method to track and account for the original ballot and the~~
16 ~~digital duplicate of the ballot created by the electronic vote~~
17 ~~adjudication feature that includes a serial number on the digital image~~
18 ~~that can be used to track electronic vote adjudication board actions.~~

19 ~~(b) The creation and retention of comprehensive logs of all digital~~
20 ~~duplication and adjudication actions performed by an electronic vote~~
21 ~~adjudication board.~~

22 ~~(c) The retention of the original ballot and the digital duplicate~~
23 ~~of the ballot.~~

24 ~~c. If for any reason it becomes impracticable to count all or a~~
25 ~~part of the ballots with tabulating equipment, the officer in charge of~~
26 ~~elections may direct that they be counted manually, following as far as~~
27 ~~practicable the provisions governing the counting of paper ballots.~~

28 ~~D. B.~~ B. For any statewide, county or legislative election, the
29 county recorder or officer in charge of elections shall provide for a live
30 video recording of the custody of all ballots while the ballots are
31 present in a tabulation room in the counting center. The live video
32 recording shall include date and time indicators and shall be linked to
33 the secretary of state's website. The secretary of state shall post links
34 to the video coverage for viewing by the public. The county recorder or
35 officer in charge of elections shall record the video coverage of the
36 ballots at the counting center and shall retain those recordings as a
37 public record for at least as long as the challenge period for the general
38 election. If the live video feed is disrupted or disabled, the recorder
39 or officer in charge of elections is not liable for the disruption but
40 shall attempt to reinstate video coverage as soon as is practicable. Any
41 disruption in video coverage shall not affect or prevent the continued
42 tabulation of ballots. This subsection is contingent on legislative
43 appropriation.

1 ~~E.~~ C. The county recorder or other officer in charge of elections
2 shall maintain records that record the chain of custody for all election
3 equipment and ballots during ~~early~~ ABSENTEE voting through the completion
4 of provisional voting tabulation.

5 Sec. 29. Title 16, chapter 4, article 11, Arizona Revised Statutes,
6 is amended by adding section 16-641, to read:

7 16-641. Legislative session; review; legislative election
8 audit

9 NOTWITHSTANDING ANY OTHER STATUTE:

10 1. THE LEGISLATURE SHALL CALL ITSELF INTO SESSION TO REVIEW THE
11 BALLOT TABULATING PROCESS FOR THE REGULAR PRIMARY AND GENERAL ELECTIONS
12 AND ON REVIEW SHALL ACCEPT OR REJECT THE ELECTION RESULTS. IF THE
13 LEGISLATURE ACCEPTS THE ELECTION RESULTS, THE ELECTION CANVASS AND RELATED
14 CERTIFICATIONS AND PROCLAMATIONS MAY PROCEED AS OTHERWISE PROVIDED BY LAW,
15 AND THE LEGISLATURE MAY ADJOURN ITS SESSION. IF THE LEGISLATURE REJECTS
16 THE ELECTION RESULTS, ANY QUALIFIED ELECTOR MAY FILE AN ACTION IN THE
17 SUPERIOR COURT TO REQUEST THAT A NEW ELECTION BE HELD.

18 2. THE LEGISLATURE MAY CONDUCT AN AUDIT OF ELECTION RESULTS FOR ANY
19 REGULAR PRIMARY OR GENERAL ELECTION.

20 Sec. 30. Section 16-663, Arizona Revised Statutes, is amended to
21 read:

22 16-663. Recount of votes

23 ~~A.~~ The superior court to which the facts requiring a recount are
24 certified shall ~~forthwith~~ PROMPTLY make and enter an order requiring a
25 recount of the votes cast for such office, measure or proposal. The
26 recount shall be conducted in accordance with the laws pertaining to
27 contests of elections.

28 ~~B. When the court orders a recount of votes which were cast and~~
29 ~~tabulated on electronic voting equipment, such recount shall be pursuant~~
30 ~~to section 16-664. On completion of the recount, and for legislative,~~
31 ~~statewide and federal candidate races only, the county chairmen of the~~
32 ~~political parties entitled to continued representation on the ballot or~~
33 ~~the chairman's designee shall select at random without the use of a~~
34 ~~computer five per cent of the precincts for the recounted race for a hand~~
35 ~~count, and if the results of that hand count when compared to the~~
36 ~~electronic tabulation of that same race are less than the designated~~
37 ~~margins calculated pursuant to section 16-602, the recount is complete and~~
38 ~~the electronic tabulation is the official result. If the hand count~~
39 ~~results in a difference that is equal to or greater than the designated~~
40 ~~margin for that race, the procedure established in section 16-602,~~
41 ~~subsections C, D, E and F applies.~~

42 Sec. 31. Repeal

43 Section 16-664, Arizona Revised Statutes, is repealed.

